

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Jus 1300 LAND SALES FULL DISCLOSURE RULES

Statutory Authority: RSA 356-A:2; RSA 356-A:3, II, RSA 541-A

PART Jus 1301 DEFINITIONS

Jus 1301.01 “Bureau” means the bureau of consumer protection and antitrust, New Hampshire attorney general’s office.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1301.02 “Good faith estimate” means an estimate based on such documentary evidence as is available.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1301.03 “Documentary evidence” means:

- (a) In the case of cost estimates, documentation obtained from the suppliers of the service; and
- (b) In the case of estimates of completion dates:
 - (1) Actual contracts let;
 - (2) Engineering schedules; or
 - (3) Other evidence of commitments to complete construction.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1301.04 “Institutional lender” means “institutional lender” as defined in RSA 356-B:3, XVII, namely:

- (a) Commercial or savings banks;
- (b) Savings and loan associations;
- (c) Trust companies;
- (d) Credit unions;
- (e) Industrial loan associations;
- (f) Insurance companies;
- (g) Pension funds or business trusts, including but not limited to real estate investment trusts;
- (h) Any other lender regularly engaged in financing the purchase, construction or improvement of real estate;
- (i) Any assignee of loans made by such lender; or

- (j) Any combination of the foregoing entities.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1301.05 “Non-institutional lender” means any individual or entity which provides financing to any subdivider for:

- (a) Acquisition of a subdivision or any portion of a subdivision;
- (b) Construction of improvements; or

(c) Any other costs associated with the development or marketing of any lots, parcels, units, or interests in a subdivision.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1301.06 “Principal” means:

(a) Each officer, partner or trustee of the declarant, or the subdivider, or person occupying similar status or performing similar functions;

(b) Each natural person who is a real party in interest having more than a 10 percent ownership or beneficial interest in the subdivision, or having more than a 20 percent ownership or beneficial interest in any entity that has a majority direct or majority beneficial interest in the subdivision; and

(c) Any other person that the bureau reasonably determines should be treated as a principal for purposes of submitting information required by Jus 1306.05.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

PART Jus 1302 FEES

Jus 1302.01 Method of Payment. Fees paid by check or money order shall be made payable to the State of New Hampshire.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1302.02 Calculation of Fees.

(a) The amount of the fee for an initial application for registration or an application for registration of additional lots, parcels, units, or interests shall be calculated pursuant to this section.

(b) The fee accompanying each initial application for registration shall be no less than \$300 and no more than \$2,000. The fee accompanying each additional application shall be no less than \$200, nor more than \$2,000. The total fee for a subdivision that is to be registered in phases may exceed \$2,000.

(c) Subject to paragraph Jus 1302.02(a), the amount of the fee for each application shall be calculated by multiplying the number of lots, parcels, units, or interests for which registration is sought, by \$30. This figure shall not include all lots, parcels, units, or interests that eventually might be included in the subdivision, but only those lots, parcels, units, or interests for which registration at the present time is sought.

(d) No subdivider shall apply amounts paid in connection with an application to future applications or to registration of additional lots, parcels, units, or interests.

(e) The amount of the appropriate fee and any refund shall be determined by reference to the number of lots, parcels, units, or interests applied for, and not by reference to the number of lots, parcels, units, or interests actually registered.

(f) So that RSA 356-A:5, VII can be applied consistently with RSA 356-B:51, VII, a subdivision involving time sharing interests or similar interests shall be subject to a fee schedule based on the number of units, or similar designations it contains, rather than the number of time sharing interests, or similar interests, if the subdivision is constituted in such a manner as to contain the equivalent of units.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1302.03 Refunds.

(a) Upon discovery by the bureau that an overpayment has been made, the bureau shall, as soon thereafter as is practicable, cause to be returned to the applicant the amount of the overpayment.

(b) No refund shall be due if an application is rejected by the bureau or withdrawn by the applicant after a Notice of Filing has been issued.

(c) Once an application has been rejected or withdrawn, reconsideration of the application or the filing of a new application shall require submission of an additional fee calculated in the manner provided by Jus 1302.02.

(d) When an application has been returned to the applicant pursuant to Jus 1306.15, the bureau shall as soon thereafter as is practicable return the application fee in its entirety.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1302.04 Exemption Fees. The amount of the fee which shall accompany an application for exemption shall be \$200.

PART Jus 1303 SUBDIVISIONS REGULATED

Jus 1303.01 List Not Exclusive. The subdivisions, lots, parcels, units, and interests described in Jus 1303 shall not be exclusive of any other subdivisions, lots, parcels, units, and interests regulated under RSA 356-A and these rules.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1303.02 Membership Campgrounds.

(a) The provisions of RSA 356-A and these rules shall apply to campgrounds, to the extent that persons are offered the exclusive right to occupy one or more campground sites, one or more times during the year, for a period of more than 5 years.

(b) Consistent with Jus 1303.02(a), “interest” as defined in RSA 356-A:1, XVI, shall include the exclusive right to occupy one or more campground sites, lots, parcels, or units, one or more times during the year, for a period of more than 5 years from the date of execution of an instrument for the disposition of such right, regardless of whether such right is accompanied by a fee simple interest or a leasehold, or neither of them, in said campground sites, lots, parcels, or units.

(c) The term interest shall include:

- (1) “Interval Ownership Interest;”
- (2) “Vacation License;”
- (3) “Campground Membership;” or
- (4) Any other similar terms.

(d) This section shall not be deemed to exempt campground membership programs from complying with the time sharing provisions of RSA 356-A and these rules, to the extent that such programs involve time sharing interests.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1303.03 Condexes.

(a) To the extent that a plan of development provides for a series of adjoining condominiums, one or more of which contain fewer than 11 units, resulting in the division of contiguous land into more than 15 parcels, lots, units, or interests, the plan shall be considered a method of disposition adopted for the purpose of evasion of RSA 356-A, unless the developer, prior to offering or disposing of any interest in the condominium units:

- (1) Obtains registration or exemption from registration for each unit, pursuant to RSA 356-A:5 and A:8 or RSA 356-A:3, II; and
- (2) Obtains registration or exemption from registration of each unit in any condominium containing more than 10 units, pursuant to RSA 356-B:51 and B:54, or RSA 356-B:49, III.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1303.04 Planned Unit or Planned Residential Development.

(a) All developments containing a mix of condominiums and single-family or other residential lots, parcels, units, or interests, shall be subject to RSA 356-A and these rules, provided however, that:

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(1) The fee submitted with an application for registration or exemption of the subdivision need not include an amount for the condominium units which are to be separately registered or exempted under RSA 356-B; and

(2) All condominiums in the development which contain more than 10 units shall be separately registered or exempted under RSA 356-B, prior to offering or disposing interests in units in those condominiums.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1303.05 Application of Rules to Subdivisions Which May Contain 15 or More Lots, or Interests.

(a) Any subdivision which might, at any time, include more than 15 lots, parcels, units, or interests shall be subjected to RSA 356-A and these rules, if the ultimate use of any of the lots, parcels, units, or interests is to be residential.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

PART Jus 1304 EXEMPTIONS FROM REGISTRATION

Jus 1304.01 Time Sharing and Campgrounds. No subdivision in which time share interests are offered shall be eligible for exemption from registration and annual reporting under Jus 1304.03, Jus 1304.08, or Jus 1304.12.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1304.02 Recordkeeping. Every subdivider shall keep a copy of each document and all written information submitted to the bureau in connection with any application for exemption from registration ultimately granted, until January 31 of the calendar year following the year in which all lots, parcels, units, or interests in the subdivision have been sold or disposed of by the subdivider.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1304.03 Urban Single Family Residence and Duplex Exemption.

(a) The bureau shall exempt a subdivision from registration and annual reporting requirements of RSA 356-A:4, I and RSA 356-A:5 through RSA 356-A:9, if the conditions below are met:

(1) The total number of lots offered pursuant to each exemption application shall not exceed 35, unless the subdivision shall have no more than 50 lots, parcels, units, or interests, including any that might be added at any future time;

(2) Each lot offered or disposed of under the exemption shall be limited exclusively by:

a. Enforceable covenants or restrictions; or

b. By enforceable zoning ordinances to single-family residences or duplexes;

(3) The town or city in which the lots for which exemption is applied shall have a population of at least 15,000 at the time the application is filed.

(4) Each of the towns or cities in which lots for which exemption is applied shall have, prior to the time the application is filed:

- a. Established a planning board pursuant to RSA 673:1, I;
- b. Adopted a building code pursuant to RSA 673:1, V;
- c. Appointed a building inspector pursuant to RSA 673:1, III;
- d. Adopted a master plan or sections or parts of a master plan pursuant to RSA 674:1 and 675:6; and
- e. Adopted a zoning ordinance pursuant to RSA 674:16.

(5) If the streets or roads providing access to the subdivision and to the lots for which exemption is applied are not complete at the time the application is filed, the subdivider shall post surety acceptable to the town or city in the full amount of the cost of completing the streets or roads to assure completion to local standards.

(6) Surety required by (a)(5) above shall:

- a. Be in the form prescribed by Jus 1304.17; and
- b. Be posted as required by (a)(5) prior to an application for exemption under Jus 1304.03 being filed.

(7) The town or city, or a homeowners' association shall have accepted or be obligated to accept the responsibility for maintaining the street or road upon which the lot is situated.

(8) In any case in which a homeowners' association has accepted or is obligated to accept maintenance responsibility, the subdivider shall, prior to the signing of a contract or agreement to purchase, provide the purchaser with a good faith written estimate of the cost of carrying out the responsibility over the first 10 years of ownership;

(9) At the time of closing, potable water, sanitary sewage disposal, and electricity shall be extended to the lot, or the town or city must be obligated to install the facilities within 180 days following closing;

(10) For subdivisions which will not have central water or sewage disposal systems, there shall be assurances that an adequate potable water supply is available year-round and that the lot is approved for the installation of a septic tank;

(11) The contract of sale shall require delivery of a warranty deed, free from monetary liens and encumbrances, to the purchaser within 360 days after the signing of the sales contract;

(12) The contract of sale shall be voidable at the election of the purchaser, in the event the warranty deed has not been delivered within the required time period, and the contract shall state that it is so voidable;

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(13) The purchaser or purchaser's spouse shall make a personal, on-site inspection of the lot purchased prior to signing a contract or agreement to purchase;

(14) If the subdivider or agent represents in any manner that improvements, roads, sewers, water, gas or electric service, or recreational amenities will be provided or completed by the subdivider, the purchase and sale agreement shall contain provisions so obligating the subdivider;

(15) The purchase and sale agreement shall contain a notice specifying the cancellation rights provided by RSA 356-A:4, II and shall identify the person or institution holding deposits in escrow by name and address; and

(16) The subdivider shall not:

a. Have been convicted of any crime within the past 10 years which, if committed in this state would constitute a felony;

b. Have been the subject of a cease and desist order, revocation, injunction, or similar enforcement order relating to illegal condominium or land sales activity in this state or elsewhere; and

c. Have as a principal, any person or entity who has been subject to such enforcement order or criminal conviction, or who has been a principal in an entity that has been subject to such enforcement order or criminal conviction.

(b) For purposes of (a)(2)b., above, mobile homes, townhouses, and residences for one family use shall be considered single-family residences for purposes of this exemption provision.

(c) In the case of a subdivision located in more than one town or city, only those lots located in a town or city meeting the population requirement of (a)(3) shall be exempted;

(d) For purposes of determining the population of towns and cities under (a)(3), the bureau shall rely on the most recent population statistics available from the office of state planning.

(e) Notwithstanding (a), above, an exemption shall not be granted if it does not protect purchasers consistent with RSA 356-A.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1304.04 Application. A subdivider requesting an exemption from registration pursuant to section Jus 1304.03 shall make application on form CPLS121, and shall file the application at the offices of the bureau.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1304.05 Fees. The application shall be accompanied by a non-refundable fee in the amount of \$200.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1304.06 Contents of Application.

(a) In addition to compliance with Jus 1304.03, the application for exemption shall also contain the following:

- (1) An irrevocable appointment of the bureau to receive service of any lawful process in any non-criminal proceeding arising under RSA 356-A against the subdivider or his personal representative;
- (2) The subdivider's name, address, the form, date, and jurisdiction of organization, and the address of each of its offices in this state;
- (3) A description of the subdivider's affiliation or association with any other condominium or subdivision, existing or proposed, in New Hampshire and elsewhere;
- (4) A statement as to whether all applicable federal, state, and local approvals have been obtained, other than the exemption being sought from the bureau;
- (5) The name, address, date of birth, and principal occupation for the past 5 years of every principal of the subdivider, except that, any institutional lender which holds title to subdivided land by foreclosure, or pursuant to foreclosure deed or deed in lieu thereof shall be required to provide such information only for those employees, officers, or directors who are directly responsible for and who exercise actual authority over the development and/or marketing of interests within such subdivision, whether or not such persons are principals of the institutional lender as defined by Jus 1301.03;
- (6) When applicable:
 - a. Evidence of proper registration to do business in this state;
 - b. To use a trade name, if any: and
 - c. Evidence of compliance with requirements of state tax laws;
- (7) The name and location of the subdivision and a sequential list of lots, to the extent possible for which exemption is sought, as well as an identification of the total number of lots that may eventually be included in the subdivision;
- (8) The identification of any lot that has been offered or disposed of, prior to obtaining exemption or registration, and the name and address of each purchaser;
- (9) A copy of the subdivision site plan including:
 - a. The number of said plan if not depicted thereon;
 - b. The date of planning board approval;
 - c. The date of recording of the plan in the registry of deeds, as well as the recordation data;

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- d. If recorded, a statement as to whether the subdivision's boundaries have been laid out by a registered surveyor; and
 - e. A statement as to whether the individual lots have been staked.
- (10) A statement of assurance that the declarant will be able to convey or cause to be conveyed good and marketable title to the interest offered for disposition if the purchaser complies with the terms of the offer;
 - (11) A statement as to whether a property owners' association has been or will be established; and a copy of the articles, covenants, by-laws, and any other instruments relating to such association;
 - (12) A copy of the purchase and sale agreement to be utilized;
 - (13) An affidavit by the applicant that said applicant has authority to file the application and, further, that said applicant certifies the truth, accuracy and completeness of its contents; and
 - (14) A certificate from the subdivider showing authorization for the application to be made.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1304.07 Effect of Filing.

- (a) As to those 35 or fewer lots identified in the application filed under Jus 1304.04, the exemption from registration and annual reporting shall be effective as of the date the complete application is received by the bureau, and offers and dispositions may commence as of that date.
- (b) No person shall file an application under Jus 1305.04 that is incomplete in any respect, nor shall any person seek a waiver of this requirement or any of the requirements of Jus 1304.03 through Jus 1304.07.
- (c) Any offer or disposition of any lot, unit, parcel, or interest in a subdivision for which an incomplete application has been filed shall be deemed an offer or disposition in violation of RSA 356-A:4, I.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1304.08 Fifty Lot Exemption.

- (a) The bureau shall exempt a subdivision from the registration and annual reporting requirements of RSA 356-A:4, I and RSA 356-A:5 through RSA 356-A:9 if the following conditions are met:
 - (1) The subdivision shall have no more than 50 lots, parcels, units, or interests, including any that may be added at a future time;
 - (2) The town or city in which the lots, parcels, units, or interests for which exemption is applied are located, shall have, prior to the time the application is filed, established a planning board pursuant to RSA 673:1, I;
 - (3) If the streets or roads providing access to the subdivision and to the lots, parcels, units, or interests for which exemption is applied are not complete at the time the application is filed, the subdivider shall post surety acceptable to the town or city as follows:

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a. The surety shall be in the full amount of the cost of completing the streets or roads to assure completion to local standards and;

b. The surety shall be in the form prescribed by Jus 1304.17;

(4) The subdivision shall meet the requirements of Jus 1304.03(7)-(16), except that Jus 1304.03(7) and (8) need not be complied with if the subdivider discloses in the purchase and sale agreement that no assurances are made with respect to the matters included in those paragraphs; and

(5) At the time the application is filed, the subdivider shall:

a. Be the current owner of record of the lots, parcels, units, or interests in the subdivision; or

b. Be able to present evidence that it can convey or can reasonably be expected to be able to convey title by warranty deed if the purchaser complies with the terms of the offer.

(b) Notwithstanding (a), above, an exemption shall not be granted if it does not protect purchasers pursuant to RSA 356-A.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1304.09 Application For 50 Lot Exemption.

(a) A subdivider requesting an exemption from registration pursuant to Jus 1304.08 shall:

(1) Make application on form CPLS122; and

(2) File the application at the offices of the bureau.

(b) The application shall be accompanied by a non-refundable fee in the amount of \$200.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1304.10 Contents of Application.

(a) In addition to compliance with the requirements of Jus 1304.08, the application for exemption shall also contain:

(1) The information and documentation required by Jus 1304.06(1)-(14);

(2) Assurance that all financial encumbrances and liens shall be discharged, or the affected lot, parcel, unit, or interest, released from such encumbrance or lien by the time of settlement or closing;

(3) A summary of the nature and amount of any initial or recurring fees or charges a purchaser is required to pay;

(4) A description of, and estimated dates and costs of, completion for all completed and promised improvements, including;

a. Streets;

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- b. Roads;
 - c. Water and sewer systems;
 - d. Amenities;
 - e. Recreational facilities;
 - f. Drainage;
 - g. Landscaping;
 - h. Utility installations; and
 - i. Sidewalks, curbs, and street lighting.
- (5) When applicable copies of permits of:
- a. The New Hampshire water supply and pollution control commission;
 - b. Wetlands board; and
 - c. Other state governmental approvals affecting the subdivision;
- (6) A description of the regulatory requirements of local authorities applicable to the subdivision, including, but not limited to, the issuance of certificates of occupancy for residences sold in conjunction with lots, parcels, units, or interests in the subdivision;
- (7) Evidence of financial ability to complete all promised improvements;
- (8) A description of arrangements for maintenance and repairs of the roads, water and sewer systems; and
- (9) A copy of the warranty deed to be utilized.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1304.11 Review by Bureau. The time periods and procedures provided by Jus 1305.01(c) shall govern the applications made pursuant to Jus 1304.09.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1304.12 Exemption From Registration; Other Grounds.

(a) The bureau shall exempt any subdivision from the registration and annual reporting requirements of RSA 356-A:4, I and RSA 356-A:5 - 9, if it finds that such registration and annual reports are not necessary in the public interest and for the protection of purchasers by reason of the small amount involved or the limited character of the offering.

(b) No person shall request an exemption from registration, pursuant to this section, for any subdivision that would be eligible for consideration for exemption under Jus 1304.03 or Jus 1304.08.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1304.13 Application. The provisions of Jus 1305.01 shall govern application procedures under Jus 1304.12.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1304.14 Exemption Certificate.

(a) Exemption from the registration and annual reporting requirements of RSA 356-A shall be evidenced by a certificate issued by the bureau to the subdivider.

(b) The exemption shall authorize the offer or disposition of only those lots, parcels, units, or interests identified in the certificate.

(c) The bureau shall issue the certificate within 20 days after the effective date of the exemption.

(d) The subdivider of a subdivision located in New Hampshire shall cause any certificate of exemption issued by the bureau with respect to such subdivision to be recorded in the registries of deeds for counties in which the subdivision is located. Such recordation shall occur within 10 days of receipt of a certificate of exemption by the subdivider.

(e) The subdivider shall, as soon as is practicable:

(1) Obtain recordation data, consisting of:

- a. The date of recordation; and
- b. The book and page numbers or their equivalent; and

(2) Provide the bureau, in writing, with a copy of the recorded certificate within 10 days after receipt thereof by the subdivider.

(f) Except as otherwise provided by the terms of the certificate, an exemption shall remain in full force and effect until such time as it has been suspended or revoked as provided by Jus 1305.02.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1304.15 Suspension or Revocation. The provisions of Jus 1305.04 shall apply to exemptions issued under Jus 1304.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1304.16 Prior Sales.

(a) The exemptions from registration and annual reporting provided by Jus 1304.03, Jus 1304.08, and Jus 1304.12 shall not be available for any subdivision in which the subdivider has conveyed a legal or equitable interest in any parcel, lot, unit, or interest by means of a deed or other final disposition, including the signing of an installment contract, prior to obtaining an exemption.

(b) Nothing in Jus 1304.16 shall be construed to prevent the bureau from taking any administrative or judicial action, otherwise authorized by law, against any person who has engaged or is about to engage in conduct constituting a violation of RSA 356-A or these rules, including the conduct described in Jus 1304.16(a).

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1304.17 Street and Road Bonds.

(a) The surety required with respect to completion of streets or roads shall be in the form of:

- (1) A bond;
- (2) An irrevocable letter of credit;
- (3) A mortgage to the governmental entity requiring the surety; or
- (4) Other form acceptable to the town or city and to the bureau.

(b) Jus 1304.17 shall not be construed as requiring a town or city to accept any of the forms of surety described in paragraph Jus 1304.17(a), nor shall it be construed as requiring the bureau to accept the form or amount of any surety accepted by the town or city.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1304.18 Applications Not in Proper Form.

(a) Upon receipt of an application for exemption pursuant to Jus 1304.03, Jus 1304.08, or Jus 1304.12, that is not in proper form, including but not limited to an incomplete application or an application made on an incorrect form, the bureau shall return the application to the applicant. However, if the bureau has reason to believe the application can be readily put into proper form, it shall retain the application and issue to the applicant a Notice of Deficiencies specifying the deficiencies in its form and any other correspondence or document.

(b) If the application is not put in proper form within 15 days after the issuance of a Notice of Deficiencies, the bureau shall return the application to the applicant.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

PART Jus 1305 EXEMPTIONS FROM OTHER STATUTORY REQUIREMENTS

Jus 1305.01 Application.

(a) Except for applications for exemption otherwise provided for by these rules, an application for exemption from any of the provisions of RSA 356-A shall be made by written letter submitted to the offices of the bureau. The letter shall be captioned form CPLS120/EXEMPTION REQUEST.

(b) An application shall be accompanied by a non-refundable fee in the amount of \$200.

(c) The application shall provide all information and documents that would assist the bureau in making a determination as permitted by RSA 356-A: 3, IV, including, at a minimum:

- (1) A detailed description of the activity for which an exemption is being requested;
- (2) A statement explaining the necessity for the exemption; and
- (3) A statement as to why enforcement of the relevant provisions of RSA 356-A is not necessary in the public interest and for the protection of purchasers by reason of:
 - a. The small amount involved;
 - b. The limited character of the offering; and/or
 - c. The property is otherwise adequately regulated by:
 1. Federal;
 2. State;
 3. County;
 4. Municipal; or
 5. Town statutes or ordinances.

(d) Within 60 days after receipt of an application, the bureau shall notify the applicant, either orally or in writing that:

- (1) The application contains apparent errors or omissions, which shall be identified by the bureau;
- (2) The application has been denied in whole or in part;
- (3) The exemption has been granted in whole or in part; or
- (4) The applicant is required to submit additional information.

(e) The time limit imposed by Jus 1305.01(d) may be waived by the applicant and shall be extended by the bureau if the bureau determines that more time is needed to make the appropriate determination.

(f) No person shall engage in any conduct with respect to which an exemption has been or should have been sought under this section, until such time as the application for exemption has been granted.

(g) The bureau shall impose any condition of exemption that is for the protection of purchasers pursuant to RSA 356-A.

(h) The provisions of Jus 1305.01 shall apply to any request for authorization to use a public offering statement prior to registration of the lots, parcels, units, or interests in the subdivision to which it refers, except that no fee shall be required to accompany the request. However, this section shall not prevent the bureau, where otherwise authorized, from requiring the use of a public offering statement prior to registration of the subdivision.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1305.02 (RESERVED)

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1305.03 Sales to Developers and Builders.

(a) A subdivider may dispose of subdivided lots, parcels, units, or interests, prior to being registered or exempted from registration under any other provision of these rules, to persons who will further develop or improve them and offer and dispose of them to purchasers for residential use under the following conditions:

- (1) The number of lots, parcels, units, or interests in the subdivision, including all lots, parcels, units, or interests that may eventually be included in the subdivision, shall not exceed 50;
- (2) The subdivider shall, prior to disposing of any lots, parcels, units, or interests to other subdividers, developers, or builders, apply to the bureau in writing for an exemption from RSA 356-A:4, I and II;
- (3) The application to the bureau shall be in the form of an affidavit captioned form CPLS120/BULK SALE, which shall be signed by the subdivider, or by an officer or principal of the subdivider authorized to sign such affidavit;
- (4) The application shall be accompanied by a non-refundable fee of \$200;
- (5) The application shall include:
 - a. The name, address and telephone number of the subdivider, one of its principals, and its attorneys, if any;
 - b. The name and location of the subdivision;
 - c. The total number of lots, parcels, units, or interests that are included or may eventually be included in the subdivision;
 - d. The number of lots which may be disposed of to other subdividers, developers, or builders;

- e. The names, addresses, and telephone numbers of each of the other subdividers, developers, or builders to whom dispositions may be made;
 - f. If the disposition is to be made to a legally constituted entity, an identification of the legal form of said entity, the location of its principal place of business, and the identity of each principal thereof;
 - g. A statement that no offers or dispositions of lots for which exemption is sought pursuant to this section have been made prior to the date the notice was mailed or delivered to the bureau, except as provided by (14) below; and
 - h. A statement that the purchase agreement between the subdivider and any other subdivider, developer, or builder shall contain an acknowledgment that no offers or dispositions may be made to any purchaser for residential use until such time as the subdivision and the subject lots, parcels, units, or interests have been registered or exempted by the bureau upon application by the purchaser thereof.
- (6) All lots, parcels, units, or interests subject to Jus 1303.05 shall be registered or exempted by the bureau prior to offers or dispositions being made to purchasers for residential use, regardless of whether a subsequent subdivider, developer, or builder is to offer or dispose of fewer than 16 lots, parcels, units, or interests;
- (7) The provisions of Jus 1303.05 shall not apply to any subdivision involving time share interests;
- (8) Within 30 days after receipt of an application, the bureau shall notify the applicant, either orally or in writing that:
- a. The application contains apparent errors or omissions, which shall be identified by the bureau;
 - b. The application has been denied in whole or in part;
 - c. The exemption has been granted in whole or in part; or
 - d. The applicant is required to submit additional information.
- (9) The time limit imposed by Jus 1305.03(a)(8) may be waived by the applicant;
- (10) No person shall engage in any conduct with respect to which an exemption has been or should have been sought under this rule, until such time as the application of exemption has been granted;
- (11) The bureau shall impose any condition of exemption for the protection of purchasers pursuant to RSA 356-A;
- (12) Any exemption granted pursuant to this section shall be limited to the offer and disposition described by the subdivider in the notice submitted pursuant to this section;
- (13) If the disposition of lots, parcels, units, or interests identified in a notice submitted to the bureau pursuant to (5) of this section is not consummated as set forth in the notice, the subdivider shall so notify the bureau in writing; and
- (14) Neither this section, nor any other section of these rules or of RSA 356-A shall be construed to prohibit a subdivider from soliciting or negotiating offers to purchase some or all lots, parcels,

units, or interests in a subdivision prior to registration or exemption of those lots, parcels, units, or interests from persons or entities who will further develop or improve them and offer or dispose of them to purchasers for residential use, provided that the subdivider shall apply for, and receive exemption pursuant to this section prior to disposing of such lots, parcels, units, or interests.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1305.04 Revocation.

(a) If, subsequent to the issuance of an exemption from registration, or other exemption, the bureau has reasonable grounds to believe that exemption in the particular case is not in the public interest, the bureau shall, upon notice of an opportunity for hearing as provided by Jus 1309, revoke the exemption.

(b) Grounds for revocation shall include:

- (1) Material omissions or misrepresentations in documents submitted to the bureau;
- (2) Unlawful conduct of the subdivider or its agents;
- (3) Insolvency of the subdivider or a party providing financing;
- (4) Receipt by the bureau of adverse information about the subdivision that should be disclosed to purchasers; and
- (5) Any other acts or omissions by the subdivider or its agents contrary to the public interest as embodied in these rules, RSA 356-A or other chapters of the RSAs.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

PART Jus 1306 REGISTRATION

Jus 1306.01 Residential Subdivisions.

(a) The exemption from registration of subdivisions in which all lots, parcels, units, or interests are restricted to non-residential use provided in RSA 356-A:4, I(d) shall not apply to any subdivision as to which there is a substantial possibility that a lot, parcel, unit, or interest therein, may be used by the purchaser as permanent or temporary living quarters, including use as:

- (1) A vacation home;
- (2) Temporary overnight dwelling; or
- (3) As a site upon which vehicular or other portable living quarters will be placed or occupied by the purchaser.

(b) This section shall not prohibit a subdivider from applying for exemption from registration pursuant to Jus 1304.12 and Jus 1304.13, in a case where the residential use by the purchaser is limited and the standards for granting the exemption are otherwise satisfied.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1306.02 Recordkeeping. Every subdivider shall keep a copy of each document and all written information submitted to the bureau in connection with any application for registration ultimately approved, until January 31 of the calendar year following the year in which all lots, parcels, units, or interests in the subdivision shall have been sold or disposed of by the subdivider.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1306.03 Application for Comprehensive Registration.

(a) Application for registration of a subdivision of more than 50 lots, parcels, units, or interests shall be made on form CPLS100 and shall be filed at the offices of the bureau.

(b) Application shall be made on form CPLS100 for any subdivision that can eventually include more than 50 lots, parcels, units, or interests.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1306.04 Contents of Application for Comprehensive Registration. In addition to the documents and information required by RSA 356-A:5, I, and otherwise required by these rules, an application for comprehensive registration shall also contain:

(a) The information and documentation described in Jus 1306.06.

(b) A completed form CPLS170 for each principal except that, any institutional lender which holds title to subdivided land by foreclosure, or pursuant to a foreclosure deed or deed in lieu thereof shall be required to provide such information only for those employees, officers, or directors who are directly responsible for and who exercise actual authority over the development and/or marketing interests within such subdivision, whether or not such persons are principals of the institutional lender as defined by Jus 1301.03;

(c) A description of the subdivider's affiliation or association with any other condominium or subdivision, existing or proposed, in New Hampshire or elsewhere;

(d) When applicable, evidence of proper registration to do business in this state and to use a trade name, if any, and evidence of compliance or intention to comply with requirements of state tax laws;

(e) The name and location of the subdivision including;

(1) The number of lots in this filing;

(2) To the extent possible, a sequential list of lots, parcels, units, or interests to be registered in this filing; and

(3) The maximum number of lots, parcels, units, or interests that may eventually be included in the subdivision;

(f) The number of acres to be registered in this filing, and the total number of acres that may eventually be included in the subdivision;

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- (g) The minimum, average, and maximum size of lots, parcels, or units to be registered in this filing;
- (h) Identification of any lots, parcels, units, or interests in the subdivision offered or disposed of prior to filing for registration;
- (i) A statement as to whether the boundaries of the subdivision have been laid out by a registered land surveyor, and if applicable:
 - (1) A description of the method used to depict boundaries;
 - (2) The name and address of the surveyor;
 - (3) A statement as to whether individual lots have been staked; and
 - (4) Recording information relative to the site plan;
- (j) Evidence, including copies of official approvals of compliance with laws and rules administered and enforced by the New Hampshire department of environmental services; and other federal, state or local agencies which affect the subdivision;
- (k) Schedules of completion of promised improvements, including improvements completed as of the filing of the application and good faith estimates of completion dates;
- (l) Evidence of all financial assurances provided by the subdivider to any governmental entity to secure completion of promised improvements, including copies of relevant legal instruments such as:
 - (1) A surety bond; and
 - (2) An escrow agreement or letter of credit;
- (m) All financial information required by the bureau pursuant to Jus 1306.06;
- (n) A statement as to whether the subdivider has obtained a loan or mortgage from any lending institution or person, and, if so:
 - (1) The name and address of any such institution or person;
 - (2) The amount of the loan or mortgage;
 - (3) The amount of the loan or mortgage outstanding as of the date of filing;
 - (4) An identification of any real or personal property providing security therefore; and
 - (5) Any arrangements made for securing partial release or a total discharge of the mortgage, if it encumbers any lot, parcel, unit, or interest to be disposed of by the subdivider, together with copies of all loan agreements, mortgage deeds and other such legal instruments related to financial encumbrances affecting the subdivision;
- (o) A statement that the persons who shall be offering or disposing of any lot, parcel, unit, or interest in the subdivision are either the subdivider or regular employees of the subdivider, and, if not, that a real estate agent or broker's license has been obtained by each such person pursuant to RSA 331-A;
- (p) A description of the nature and operation of any property owners' association, if any, to be established, and copies of legal instruments relating to such association.

(q) A description of any improvements required to be made by the purchaser in order to use the lot, parcel, unit, or interest in the manner represented by the subdivider, and the estimated cost thereof;

(r) A description of any initial or recurring fee or charge the purchaser is required to pay;

(s) Certification by the subdivider on form CPLS151 if a corporation and on form CPLS152 if a partnership or other business organization that any necessary and proper vote by a business organization has authorized the applicant to file an application for registration and to make an irrevocable appointment of the bureau to receive service pursuant to RSA 356-A:5, I(a); and

(t) An affidavit by the applicant certifying that the application and information contained therein are true, correct and complete.

(u) A certification of appointment on form CPLS153, irrevocably appointing the bureau to receive service pursuant to RSA 356-A:5, I(a).

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1306.05 Personal Background Statements, Form CPLS170.

(a) The contents of form CPLS170 shall be completed by each principal and consist of a sworn statement disclosing the following information:

- (1) Name, residence, and business addresses for the past 5 years.
- (2) Date and place of birth;
- (3) Social security number;
- (4) Nature of ownership or interest in the subdivision or business organization of subdivider, and official duties;
- (5) Employment history for past 5 years including:
 - a. Names of employers; and
 - b. Addresses of employers;
- (6) Educational background;
- (7) Names and addresses of 5 personal and business credit references;
- (8) Names and addresses of 5 character references;
- (9) Names and addresses of banking facilities used for personal and business accounts for the past 5 years;
- (10) Real estate licenses held and disclosure of any suspension, revocation, or investigation by a licensing authority;
- (11) A description of any bankruptcy, receivership, or foreclosure proceedings during the past 7 years relative to activities as a private individual or as an officer, director, or other principal of a business organization;

(12) A description of any conviction as an individual or as an officer, director, or other principal of a business organization for a crime involving condominium unit dispositions or any aspect of the land sales business in this state, the United States, or any other state or foreign country within the past 10 years; and

(13) A description of any injunctive or administrative order issued in this state, the United States, or any other state or jurisdiction within the past 5 years which restrains false or misleading promotional plans involving land disposition, unfair or deceptive trade practices under 15 U.S.C. 45(a)(1) or equivalent state statute, securities laws violations, or violation of statutes regulating the commodity futures industry.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1306.06 Financial Information.

(a) Financial information required by section Jus 1306.04(k), shall consist of evidence, satisfactory to the bureau, of the subdivider's ability to complete all promised improvements or amenities.

(b) Such evidence shall include, at a minimum, the following:

- (1) Development and marketing costs;
- (2) Financing plan;
- (3) Financing commitments; and
- (4) Financial statements.

(c) In addition to the minimum requirements stated in (b) above, the bureau shall require an applicant to provide such other financial information that will assist it in making the determinations it is required to make by RSA 356-A:7, I.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1306.07 Development and Marketing Costs.

(a) Information about development and marketing costs required by Jus 1306.06 shall include:

- (1) Expenditures; and

(2) Good faith estimates of projected costs of land acquisition, construction, marketing, advertising, sales, interest, and any other costs related to the development of the subdivision or disposition of the lots, parcels, units, or interests.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1306.08 Financing Plans.

(a) The plan of financing required by Jus 1306.06 shall include, at a minimum, a narrative description identifying all sources and amounts of financing of all promised improvements.

(b) In addition, the plan shall include a good faith narrative or graphic cash flow projection relating to all promised improvements.

(c) The projection shall depict, at a minimum, the anticipated schedule and amounts of:

(1) Debt retirement;

(2) Other expenses and anticipated use of income, including disbursements of income from all sources;

(3) Sales revenue;

(4) Other income;

(5) Total gross income;

(6) Total net income; and

(7) Subdividers of time share subdivisions shall also include a statement as to the availability of end loan financing.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1306.09 Financing Commitment.

(a) Evidence of financing commitments required by Jus 1306.06 shall include, at a minimum:

(1) A copy of a written, signed, commitment from an institutional lender to advance funds to the subdivider sufficient to complete all promised improvements, or, to the extent that the subdivider is not relying on funds borrowed from an institutional lender, a statement detailing what funds the declarant is relying on; and

(2) Other evidence of the guaranteed commitment of funds sufficient to complete all promised improvements.

(b) The commitments required by this section may state that the commitment is subject to registration of the subdivision prior to funding.

(c) Upon execution of a loan agreement, mortgage deed or other such legal instrument related to any land acquisition or construction financing, with respect to that portion of a subdivision for which registration

has been applied or granted, the subdivider shall submit to the bureau a copy of each such executed legal instrument.

(d) In the event a land acquisition or construction loan has not been funded by the date contemplated in the commitment letter or in the legal instrument evidencing the loan, the subdivider shall immediately submit to the bureau a written statement explaining the status of the loan and why it has not been funded.

(e) With respect to any commitment or portion of a commitment for which there is a pre-sale requirement that has not been met at the time the commitment is submitted to the bureau, such commitment portion shall not be considered by the bureau in determining whether the financing is adequate.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1306.10 Financial Statements.

(a) The financial statements required by Jus 1306.06 shall be the subdivider's financial statements for the last full fiscal year. These statements shall be prepared in accordance with generally accepted accounting principles, and shall be certified by an independent licensed public accountant so that they have been so prepared and that all adjustments necessary for a fair statement of the results for the periods shown have been included.

(b) Financial statements shall:

(1) Include the following:

- a. A balance sheet;
- b. A statement of profit and loss; and
- c. A statement of changes in financial condition; and

(2) Be no more than 6 months old on the date the application is filed.

(c) The requirements of (b)(1) and (2) shall not be fulfilled by submission of a financial compilation.

(d) If the statements are more than 6 months old at the date of submission of the application, or if the last full fiscal year has ended within the last 90 days and statements are not yet available, the subdivider may submit a copy of the statements for the previous full fiscal year and supplement them with interim statements so that the financial information is no more than 6 months old on the date that the application is submitted.

(e) Interim statements:

(1) May be prepared by company personnel; and

(2) Shall contain:

- a. A balance sheet;
- b. A statement of profit and loss; and
- c. A statement of changes in financial condition.

(f) The statements shall be prepared in accordance with generally accepted accounting principles and shall be certified as provided in Jus 1306.10(a).

(g) If the subdivider is newly formed and has had less than 3 years operating experience, an audited or unaudited balance sheet and statement of receipts and disbursements of funds may be submitted. This provision shall not apply to any entity formed more than 18 months prior to the submission of an application for registration.

(h) If the subdivider is a subsidiary company, the bureau shall permit the use of the certified statements of the parent company, provided, that those statements are accompanied by an unconditional guaranty that the parent company shall perform and fulfill the obligations of the subsidiary.

(i) If the declarant proceeds pursuant to (h) above, the declarant shall submit the following:

(1) The certified financial statements of the parent company, together with interim statements if necessary, which comply with Jus 1306.10(a) - (d); and

(2) A properly executed guaranty in a form acceptable to the bureau.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1306.11 Purchase and Sale Agreement.

(a) Subdividers shall use a contract for purchase or lease which includes:

(1) Express notice of the purchaser's 5 day right to cancel, as prescribed by RSA 356-A:4, II;

(2) The name and address of the escrow agent designated to carry out the provisions of RSA 356-A:9-a; and

(3) A space for acknowledgment of receipt of the public offering statement provided, however, that the space for the acknowledgment need not be used with respect to offering any subdivision for which a public offering statement is not required.

(b) The escrow agent identified in the purchase and sale agreement shall be a person or entity unrelated to the subdivider or any principal thereof and shall hold all escrowed funds within the state of New Hampshire.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1306.12 Property Owners' Association. The instruments of any property owners' association shall contain, in addition to all other statutory requirements, a section which sets forth the resale rights of the purchaser provided by RSA 356-A:9-b.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1306.13 Application for Abbreviated Registration.

(a) Application for registration of a subdivision of more than 15 lots, parcels, units, or interests, but no more than 50 lots, parcels, units, or interests shall be made on form CPLS110 and shall be filed at the offices of the bureau.

(b) Applications shall be made on form CPLS110 for any subdivision that is not eligible for exemption under Jus 1304 and that, upon inclusion of the total number of lots, parcels, units, or interests may eventually be included in the subdivision, would include more than 15 lots, parcels, units, or interests, but no more than 50 lots, parcels, units, or interests.

(c) Jus 1306.13 shall not apply to a subdivision involving time share interests.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1306.14 Contents of Application for Abbreviated Registration. In addition to the documents and information required by RSA 356-A:5, II or otherwise required by these rules, an application for abbreviated registration shall also contain the information and documentation required by Jus 1306.04 and Jus 1306.06.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1306.15 Applications Not in Proper Form.

(a) Upon receipt of an application for comprehensive or abbreviated registration that is not in proper form, including but not limited to an incomplete application or an application made on an incorrect form, the bureau shall return the application to the applicant with a Notice of Deficiencies specifying the deficiencies in its form and any other correspondence or document.

(b) If the application is not put in proper form within 15 days after the issuance of a Notice of Deficiencies, the bureau shall reject the application.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1306.16 Registration of Additional Lots, Parcels, Units, or Interests.

(a) Jus 1306.16 shall only apply to those subdivisions in which some lots, parcels, units, or interests have already been registered.

(b) Application for registration of lots, parcels, units, or interests which have not been previously registered, shall be made either by:

(1) Filing with the bureau a form CPLS100, pursuant to Jus 1306.03, or

(2) Filing with the bureau form CPLS110, pursuant to Jus 1306.13, if the subdivision does not contain and never shall contain more than 50 lots, parcels, units, or interests.

(c) When filing a form CPLS100 or CPLS110, the application shall contain all information and documents required by the form, except that where the current information and documents do not differ from those filed with the original application, appropriate references may be made to the original application.

(d) Declarants may file a form CPLS100 or CPLS110 which includes all information contained in prior applications, as well as any additions, amendments or changes, which additions, amendments or changes may be red-lined, underlined or otherwise highlighted for review by the bureau.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1306.17 Fees. An application for registration of additional lots, parcels, units, or interests shall be accompanied by a fee in the amount of \$200 or \$30 for each lot, parcel, unit, or interest for which registration is sought, whichever is greater, provided, however, that no more than \$2,000 shall be submitted with the application.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1306.18 Registration Certificate.

(a) Registration of lots, parcels, units, or interests in a subdivision shall be evidenced by a certificate issued by the bureau to the subdivider.

(b) The registration shall authorize the offer or disposition of only those lots, parcels, units, or interests identified in the certificate.

(c) The bureau shall issue the certificate within 20 days after the effective date of the exemption.

(d) The subdivider of a subdivision located in the state of New Hampshire shall cause any certificate of registration issued by the bureau with respect to such subdivision to be recorded in the registry of deeds for the county wherein the subdivision is located. Such recordation shall occur within 10 days of receipt of a certificate of registration by the subdivider.

(e) The subdivider shall, as soon as is reasonably practicable, obtain recordation data consisting of the following:

(1) Date of recordation;

(2) Book and page numbers or their equivalent; and

(3) Obtain and provide the bureau, in writing, with a copy of the recorded certificate within 10 days after the receipt thereof.

(f) Except as otherwise provided by the terms of the certificate, a registration shall remain in full force and effect until such time as it has been suspended or revoked upon notice and hearing as provided by Jus 1309.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1306.19 Annual Report.

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- (a) Pursuant to RSA 356-A:9, the annual report filed on April 1 of each year following the date of the original registration shall be filed on form CPLS200.
- (b) The contents of the annual report, filed on form CPLS200, shall include:
- (1) A statement as to whether all improvements in the subdivided lands have been completed;
 - (2) A statement as to whether all of the lots, parcels, units or interests have been disposed of by the subdivider;
 - (3) A statement as to whether there have been any material changes to the information provided in the original application;
 - (4) If any material changes have been made, a statement as to what the changes are; and
 - (5) If there has been any change in the ownership interests in the corporation or organization, a list of the changes.
- (c) The report shall be accurate as of the date that the report is made out by the subdivider, except for the financial statements, which shall reflect the subdivider's financial condition as of a date no earlier than December 31 of the year immediately preceding the date of the annual report.
- (d) The bureau shall provide a copy of form CPLS200 to each subdivider at the time it issues an initial certificate of registration to said subdivider or upon written request for same by the subdivider or its counsel.
- (e) Notwithstanding (c) above, it shall be the responsibility of subdividers to file annual reports pursuant to (a) above, by no later than April 1 of each year, during which they might be required to make such filing. Such responsibility shall not be dependent on reception by subdividers of any notice from the bureau that said annual reports are or might be due pursuant to this section.
- (f) A subdivider shall be exempted from filing an annual report pursuant to this section if it provides to the bureau its affidavit signed by the subdivider if a natural person, or, if subdivider is a legally constituted entity, by an officer or principal thereof authorized to sign such affidavit, that all promised improvements in the subdivision have been completed and all lots, parcels, units, or interests disposed of.
- (g) Notwithstanding any other provision of this section, a subdivider shall be required to file with the bureau a supplement to the annual report within 5 business days of the occurrence of any of the following:
- (1) Reception by the subdivider of a notice of foreclosure under any mortgage granted by the subdivider affecting the subdivision or any lot, parcel, unit, or interest therein; and
 - (2) The filing of a petition for voluntary or involuntary bankruptcy by or involving the subdivider, or any affiliate of the subdivider under any chapter of the United States Bankruptcy Code, 11 U.S.C. §§ 101 et. seq. or of similar process under any state insolvency law.
- (h) The supplement to the annual report called for in (f), above, shall be submitted in the form of an affidavit by the subdivider, or a principal or officer of the subdivider authorized to sign such affidavit, and shall bear the caption "form CPLS200-SUPPLEMENT."
- (i) A supplement to the annual report submitted pursuant to subparagraph (f)(1) shall contain the following information:

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(1) A description of the mortgage instrument being foreclosed upon, identifying by full name and address all parties secured thereunder, as well as any person or entity exercising any right of foreclosure thereunder;

(2) The date, place, and manner of any scheduled foreclosure sale or other disposition of all affected property; and

(3) The date and manner of reception by the subdivider of the notice of foreclosure.

(j) The information called for in (h), above, may be provided by submitting to the bureau a copy of any notice provided to a subdivider pursuant to RSA 479:25, III, together with an affidavit of the subdivider or a principal or officer thereof authorized to sign such affidavit, in the form prescribed by (g), above, certifying that, and specifying the date on which, the subdivider received said notice.

(k) A supplement to the annual report submitted pursuant to (f)(2), above, shall contain the following information:

(1) Identification, including mailing address, of the court in which the bankruptcy petition or other process has been filed;

(2) The date of such filing;

(3) Whether such filing is effected pursuant to the United States Bankruptcy Code, 11 U.S.C. §§ 101 et seq. and if so, identifying the Chapter of the Bankruptcy Code pursuant to which the filing is made; and

(4) If the filing is made pursuant to an insolvency law of any state, the title and code citation to said law, with a description of the form of protection sought by the filing, such as liquidation, reorganization, or the like.

(l) Failure of the subdivider to file its annual report pursuant to RSA 356-A:9 during any period of time during which it is required to do so and/or failure to timely file any required supplement to the annual report pursuant to this section shall be deemed by the bureau to constitute an irreparable harm to the public interest, subject to issuance of a cease and desist order pursuant to RSA 356-A:12, II, requiring the subdivider to file its annual report or supplement thereto within 30 days of the date of such order.

(m) Failure to comply with such order shall be deemed by the bureau to constitute adequate grounds for revocation or suspension of registration pursuant to RSA 356-A:13, I.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1306.20 Material Changes.

(a) Notification to the bureau of proposed material changes in the plan of disposition or development of a subdivision shall be in writing.

(b) No such change shall be made unless and until the bureau has given its affirmative written approval of the change.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1306.21 Registration by Successor Subdivider.

(a) Any person who comes to stand in the same relation to the subdivision as the original subdivider shall be required to make separate application to the bureau for registration as a successor subdivider.

(b) The initial application of a successor subdivider shall be made on form CPLS100 or form CPLS110 pursuant to Jus 1306.03 and Jus 1306.13, as appropriate, regardless of whether the successor subdivider seeks to register lots, parcels, units, or interests already registered, or additional lots, parcels, units, or interests.

(c) A successor subdivider may incorporate, by reference, the contents of a preceding application to the extent that such incorporation does not render the successor subdivider's application inaccurate.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1306.22 Registration of Subdivisions Located Outside of New Hampshire.

(a) With respect to applications for registration of subdivisions located outside of New Hampshire, the bureau shall accept, in lieu of CPLS100 or CPLS110:

(1) A certified copy of an application for registration or its equivalent filed with the competent state regulatory agency of any other state with all exhibits and addenda thereto, together with a certificate of registration or other evidence of approval by such agency; or

(2) A certified copy of a statement of record filed with the office of interstate land sales registration of the United States Department of Housing and Urban Development with all exhibits and addenda thereto, together with a certificate of registration issued by that agency name.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

PART Jus 1307 PUBLIC OFFERING STATEMENT

Jus 1307.01 Public Offering Statement Form.

(a) The information contained in the public offering statement shall be set forth under appropriate captions or headings which are reasonably indicative of the principal subject matter thereunder and shall be divided into reasonably short paragraphs or sections. The pages shall be numbered sequentially.

(b) The public offering statement shall be prepared on good quality, unglazed white paper, 8 1/2" x 11" in size.

(c) A waiver of (b), above, shall be granted by the bureau if the proposed alternative size and coloring is of comparable visual quality.

(d) The public offering statement shall be printed, lithographed, mimeographed, typewritten and photocopied, or prepared by a similar process so that it is legible and suitable for a permanent record.

(e) The public offering statement shall be as brief as is consistent with full and accurate disclosure. In no event shall the statement be made so lengthy or detailed so as to discourage close examination.

(f) No public offering statement shall be distributed in connection with the marketing of any lot, unity, parcel, or interest in any subdivision before said lot, unit, parcel, or interest has been registered by the bureau. Upon written request by the subdivider, the bureau shall authorize such distribution prior to registration, but only under such terms and conditions necessary to protect purchasers, consistent with RSA 356-A.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1307.02 Contents of the Cover Page.

(a) The public offering statement shall set forth on its outside front cover or first inside page a statement, substantially as follows, in capital letters printed in boldface, roman type at least as large as 10 point modern type:

“PUBLIC OFFERING STATEMENT

THIS SUBDIVISION IS REGISTERED WITH THE CONSUMER PROTECTION AND ANTITRUST BUREAU OF THE DEPARTMENT OF JUSTICE OF THE STATE OF NEW HAMPSHIRE PURSUANT TO THE PROVISIONS OF THE NEW HAMPSHIRE LAND SALES FULL DISCLOSURE ACT, RSA 356-A. THE ACT REQUIRES THAT A CURRENT PUBLIC OFFERING STATEMENT BE FURNISHED TO A PURCHASER PRIOR TO, OR AT THE TIME SUCH PURCHASER ENTERS INTO A PURCHASE AGREEMENT. THE PURPOSE OF THE STATEMENT IS TO DISCLOSE MATERIAL FACTS PERTAINING TO THIS SUBDIVISION. IT IS RECOMMENDED THAT THE PURCHASER READ THIS STATEMENT CAREFULLY, PHYSICALLY INSPECT THE PROPERTY, REVIEW ALL SALES AND OTHER DOCUMENTS IN DETAIL AND CONSULT AN ATTORNEY FOR ADVICE. NOTHING CONTAINED HEREIN SHOULD BE CONSTRUED AS SUGGESTING THAT THE CONSUMER PROTECTION AND ANTITRUST BUREAU OR ANY OTHER PUBLIC AGENCY RECOMMENDS THE SUBDIVISION OR HAS DETERMINED THAT THE DISPOSITION OF ANY LOT, PARCEL, UNIT, OR INTEREST IN THE SUBDIVISION IS LEGALLY SUFFICIENT TO PROTECT THE RIGHTS OF PURCHASERS.

RECEIPT OF THIS STATEMENT MUST BE ACKNOWLEDGED IN WRITING BY THE PURCHASER ON HIS PURCHASE AGREEMENT.

ANY COMPLAINT ALLEGING UNFAIR OR DECEPTIVE SALES PRACTICES OR A VIOLATION OF THE LAND SALES FULL DISCLOSURE ACT MAY BE DIRECTED TO THE CONSUMER PROTECTION AND ANTITRUST BUREAU, 33 CAPITOL STREET, CONCORD, NEW HAMPSHIRE 03301.”

(b) Immediately following the statement quoted in Jus 1307.02(a), shall be the following language, pursuant to RSA 356-A:6(f) and 356-A:4, II,

“IMPORTANT

NOTICE OF PURCHASER’S CANCELLATION RIGHTS

New Hampshire law provides that you have an express and unqualified right to cancel your Purchase and Sale Agreement within five (5) calendar days from the date the agreement was entered into or the delivery to you of the Public Offering Statement, whichever is later. If you elect to cancel, you may do so by written notice thereof hand-delivered or deposited in the United States mail, return receipt requested, within the five (5) day period, to the subdivider or to any agent of the subdivider, provided that, however, if you elect to mail the notice of cancellation, you must also provide the subdivider with telephonic notice of cancellation within the

five-day period. Such cancellation shall be without penalty and any deposit made by you must be refunded in its entirety no later than ten (10) calendar days from the subdivider's receipt of your written notice of cancellation."

(c) The cover page or first inside page shall also include:

- (1) The name of the subdivision;
- (2) The effective date(s) of registration; and
- (3) When applicable, the date of the most recent approval of the public offering statement by the bureau.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1307.03 Contents of Public Offering Statement.

(a) In addition to those matters required by RSA 356-A:6, every public offering statement shall also include:

- (1) A description of any legal proceedings against the subdivider which may affect the financial status of the subdivision; and
- (2) A statement of any legal proceedings brought in the last 5 years by a property owners' association or a purchaser of a lot, parcel, unit, or interest against the subdivider, against a principal of the subdivider or against another subdivider, officer, partner or trustee who is a principal of the subdivider.

(b) The description in (a), above, shall include:

- (1) The identity of the court;
- (2) The docket number;
- (3) The names of the parties;
- (4) A brief summary of the allegations; and
- (5) A statement of the status or the outcome of the case.

(c) A subdivider may include a good faith statement of opinion as to the merits of such litigation.

(d) An acknowledgement page for the purchaser to sign acknowledging receipt of the notice required by Jus 1307.02.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1307.04 Additional Disclosure Requirements for Time Sharing and Conversion Subdivisions.

(a) When a subdivider is engaged in the offer and disposition of time sharing interests in a subdivision, the following information shall also be included in the public offering statement:

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- (1) A paragraph setting forth:
 - a. The name and address of any exchange program(s) with which the time sharing subdivision is affiliated;
 - b. The term of the present contract between the subdivider and the exchange program;
 - c. The annual fee for services; and
 - d. A statement that the exchange program is an independent entity which is not required to register with the department of justice or to remain affiliated with the subdivider beyond the contract term;
- (2) A paragraph stating that the subdivider makes no representations as to the feasibility of future resale of time sharing interests purchased, and giving notice whether or not the subdivider will assist purchasers in the resale of time sharing interests;
- (3) A projected budget including:
 - a. A statement describing any reserve fund established to maintain the real property and to replace, repair or refurbish the personal property in each lot, parcel, unit, or interest; or
 - b. If no such fund has been established, a statement to that effect; and
- (4) If the time sharing interest offered is not a fee simple interest, a paragraph detailing:
 - a. The nature of the ownership structure of the subdivision;
 - b. The nature and extent of any blanket encumbrances on the property; and
 - c. The steps taken, such as execution of non-disturbance agreements, to protect purchasers in the event of any foreclosure on the property, receivership proceeding, or bankruptcy proceeding against the subdivider.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1307.05 Desk Copy of Public Offering Statement to be Made Available to Prospective Purchasers.

(a) At least one master copy of the current public offering statement approved by the bureau shall be maintained by the subdivider as a desk copy and made readily available for inspection by any person who may visit the subdivision, or any sales office or other location in which lots, parcels, units, or interests in the subdivision may be offered or sold.

(b) The desk copy shall be placed in a visible location where prospective purchasers are routinely invited to commence tours of the subdivision or receive sales presentations.

(c) No person shall be advised by a subdivider, or an agent of the subdivider, including sales personnel, that a copy of the public offering statement may be inspected only by purchasers.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

PART Jus 1308 MARKETING

Jus 1308.01 Gifts.

(a) The bureau shall permit promotional activity which includes the offering of intangible property as an inducement to visit a subdivision, to attend a meeting at which a subdivision will be discussed, or to acquire a lot, parcel, unit, or interest if the bureau finds that:

- (1) The promotional activity does not constitute participation in a lottery, sweepstakes, contest, or the like;
- (2) The offer is not being made in a manner dependent on or connected with chance;
- (3) The offeree is reasonably likely to commence full enjoyment of the benefits of the gift on the day of his visit to the subdivision or attendance at the meeting at which the subdivision will be discussed;
- (4) Permitting the offering will not be inconsistent with the public interest; and
- (5) Enforcement of RSA 356-A:4, IV is not necessary in the public interest or for the protection of purchasers by reason of the small amount involved or the limited character of the offering.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1308.02 Review by the Bureau.

(a) At least 10 business days prior to offering any gift of intangible property as contemplated in section Jus 1308.01, the person proposing to make the offer shall submit to the bureau an application for exemption on the form provided for by section Jus 1305.01.

- (1) The application shall be accompanied by a non-refundable fee in the amount of \$200.
- (2) The application shall include, at a minimum:
 - a. A request for exemption from the provisions of RSA 356-A:4, IV with respect to the offering;
 - b. A copy of the text of the proposed gift offer and all related promotional materials;
 - c. A statement as to the suggested retail value of the gift and the source of this claim;
 - d. The inclusive dates of intended use;
 - e. The estimated number and geographic distribution of offerees;
 - f. The name and address of the marketing company or distribution agent, if any, for the offer;
 - g. A statement of any terms and conditions not disclosed in the text of the offer to the offeree;
 - h. A statement of assurance as to the applicant's ability to carry out the terms of the offer;
 - i. The name, address, and telephone number of the applicant; and

j. A statement as to why enforcement of RSA 356-B:4, IV is not necessary in the public interest or for the protection of purchasers by reason of the small amount involved or the limited character of the offering.

(b) Within 10 business days of receipt of the application for exemption, the bureau shall grant or deny the application for exemption pursuant to Jus 1308.01.

(c) No offering of any gift of intangible property may be made prior to written or oral notice by the bureau that the exemption has been granted.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1308.03 Non-binding Reservation Agreements.

(a) “Non-binding reservation agreement” means an agreement between the subdivider and a prospective purchaser which is in no way binding on the prospective purchaser and which can be canceled without penalty at the sole discretion of the prospective purchaser by written notice, hand delivered or sent by United States mail, return receipt requested, to the subdivider or to any agent of the subdivider at any time prior to the formation of a contract for the sale or lease of any lot, parcel, unit, or interest in a subdivision.

(b) The bureau shall permit the use of non-binding reservation agreements under the following conditions:

(1) Such agreement shall not contain any provision for waiver or any other provision in derogation of the rights of the prospective purchaser as contemplated by this paragraph, nor shall any such provision be a part of any ancillary agreement;

(2) Offers made prior to registration or exemption from registration shall be permitted only to the extent that such offers are made by the subdivider solely in connection with efforts to obtain non-binding reservation agreements, provided however, that the subdivider shall first have notified the bureau in writing of its intention to conduct such offers;

(3) Written notice to the bureau of the subdivider’s intention to obtain non-binding reservation agreements shall be accompanied by a copy of the proposed form of the non-binding reservation agreement; and

(4) Every non-binding reservation agreement shall:

a. Be labeled as such in capital letters at the top of the agreement; and

b. Include the following disclosures to the prospective purchaser:

1. That the agreement is in no way binding on the prospective purchaser and may be canceled without penalty at the sole discretion of the prospective purchaser by written notice, hand delivered or sent by United States mail, return receipt requested, to the subdivider or to any agent of the subdivider at any time prior to the formation of the contract for the sale or lease of any lot, parcel, unit, or interest;

2. That the subdivision is not yet registered by the New Hampshire attorney general’s office, and until such registration is ordered, no binding contract for sale or lease of any lot, parcel, unit, or interest may be created;

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3. Any deposit made under the agreement shall be held in escrow and shall be returned by the subdivider no later than 10 days following receipt of cancellation of the agreement; and

4. The name and address of the escrow agent.

(c) For the purposes of (b)(4)b.3., above, the escrow agent shall be a person or entity unrelated to the declarant or any principal thereof and shall hold all escrowed funds within the state of New Hampshire.

(d) The bureau shall not, as a matter of course, approve or disapprove the use or form of a non-binding reservation agreement. However, in addition to the exercise of any other statutory or common law authority, the bureau upon determination that any statutory requirement or rule has not been satisfied with respect to a non-binding reservation agreement, shall require the subdivider to amend the agreement.

(e) Upon cancellation of a non-binding reservation agreement, any deposit made in connection with the agreement shall be returned with interest, unless the written agreement provides that the interest shall not be returned.

(f) Unless the subdivider's right to cancel the agreement or to increase the price is expressly retained in the written reservation agreement, no subdivider shall cancel a non-binding reservation agreement with a purpose of increasing the purchase price of a lot, parcel, unit, or interest so reserved, nor shall the purchase price be increased.

(g) No subdivider shall state a price in a non-binding reservation agreement with intent to sell the lot, parcel, unit, or interest at a price other than the stated price.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Just 1308.04 Advertising.

(a) No subdivision may be advertised, regardless of the medium, prior to submission to the bureau of the notice required by Jus 1308.03 unless:

- (1) The subdivision is exempt under RSA 356-A:3, I; or
- (2) The subdivision has been registered or exempted from registration by the bureau.

(b) Unless exempt under RSA 356-A:3, I no subdivision may be advertised, regardless of the medium, prior to registration or exemption from registration unless each such advertisement bears in a conspicuous manner substantially the following statement:

“This subdivision has not yet been registered by the New Hampshire Attorney General’s Office. Until such time as registration has been issued, only non-binding reservation agreements may be accepted.”

(c) No advertisement, regardless of the medium, shall refer to any improvements or amenities that have not been completed, unless the advertisement discloses, in a conspicuous manner, the fact that the improvements or amenities are, as appropriate:

- (1) Under construction;
- (2) Planned; or

(3) Proposed.

(d) If the subdivider has not promised in an application for exemption or registration, and included good faith estimates and financial assurance with regard to completion, that the improvement or amenity shall be completed, then the advertisement shall state that the improvements or amenity is proposed.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Just 1308.05 Interstate Advertising.

(a) A subdivision which is not located in this state and is not registered in this state may be advertised in out-of-state publications disseminated in this state or through an out-of-state medium received in this state only if:

(1) The advertisement is not intended to induce or encourage persons in this state to acquire a legal or equitable interest in a lot, parcel, unit, or interest in the subdivision; and

(2) No disposition of a lot, parcel, unit, or interest in the subdivision is made to a person who was in this state when the advertisement was received by said person.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

PART Jus 1309 CONTESTED CASES AND PETITIONS FOR ADMINISTRATIVE ACTION

Jus 1309.01 Administrative Procedures Act.

(a) In responding to any petition for rule-making or declaratory ruling, and when proceeding in any contested case under RSA 356-A, the bureau shall comply with and be guided by the provisions of RSA 541-A.

(b) To the extent that RSA 356-A is not inconsistent with RSA 541-A, the bureau shall comply with and be guided by the appropriate provisions of RSA 356-A.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

Jus 1309.02 Notice. Written notice of an adjudicative proceeding, received by prepaid certified mail by a party at least 30 days prior to the date of the hearing, shall be deemed reasonable.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

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Jus 1309.03 Presiding Officer. The presiding officer at an adjudicatory hearing conducted under RSA 356-A shall be the assistant attorney general in charge of the bureau or any person designated by him.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

PART Jus 1310 AFFIRMATION OF COMPLETE APPLICATION

Jus 1310.01 Cover Sheet Required For All Applications.

(a) All applications for exemption or registration submitted to the bureau pursuant to these rules shall be accompanied by a cover sheet affirming that the application submitted is complete.

(b) The cover sheet shall consist of an "Affirmation of Complete Application," form CPLS001, which shall be signed by the applicant if a natural person, or, if the applicant is a legally organized entity, by an officer or principal of the applicant authorized to sign such affirmation.

(c) If an applicant fails to submit form CPLS001 with an application, or fails to respond affirmatively to all certifications requested in a submitted form CPLS001, the bureau shall immediately return the application to the applicant as incomplete, together with all fees submitted therewith.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

PART Jus 1311 FORMS

Jus 1311.01 Availability of Forms.

(a) The bureau shall have available upon request, the following forms at the bureau's office located at 33 Capitol Street, Concord, New Hampshire 03301 (Telephone number 603-271-3641):

- (1) CPLS100 Comprehensive registration application;
- (2) CPLS110 Abbreviated registration application;
- (3) CPLS121 Application for urban single family residence exemption;
- (4) CPLS122 Application for 50 lot exemption;
- (5) CPLS151 Corporate certificate of resolution;
- (6) CPLS152 Partnership or other business organization certificate of resolution;
- (7) CPLS153 Certificate of appointment;
- (8) CPLS154 Applicant's affidavit/affirmation;
- (9) CPLS170 Principal's background statement;
- (10) CPLS200 Annual report; and
- (11) CPLS001 Affirmation of complete application.

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(b) The use of exact copies or exact facsimiles prepared by the subdivider of the forms described in paragraph Jus 1311.01(a) shall be permitted and is encouraged.

(c) All documents submitted to the bureau in connection with any application for exemption or registration, including all forms, or copies or facsimiles thereof, and all exhibits and appendices to such forms, shall be on 8 ½" x 11" paper except that subdivision site plans and any floor plans or other construction plans can be submitted in larger format, provided such plans are folded as nearly as practicable to those dimensions.

Source. #5298, eff 1-19-92, EXPIRED: 1-19-98

New. #7640, eff 1-31-02

APPENDIX

<u>Rule Number</u>	<u>State Statute Implemented</u>
Jus 1301.01 - 1301.05	RSA 356-A:1
Jus 1302.01 - 1302.03	RSA 356-A:5, VII
Jus 1302.04	RSA 356-A:3, II
Jus 1303.01 - 1303.05	RSA 356-A:3; 356-A:5, III
Jus 1304.01 - 1304.07	RSA 356-A:3
Jus 1304.08	RSA 356-A:5, II
Jus 1304.09 - 1304.13	RSA 356-A:3
Jus 1304.14	RSA 346-A:8
Jus 1304.15	RSA 356-A:13
Jus 1304.16	RSA 356-A:3
Jus 1304.17	RSA 356-A:VI (d)
Jus 1304.18	RSA 356-A:7; 356-A:8
Jus 1305.01	RSA 356-A:3
Jus 1305.03	RSA 356-A:4
Jus 1305.04	RSA 356-A:13
Jus 1306.01	RSA 356-A:3
Jus 1306.02	RSA 356-A:2
Jus 1306.03 - 1306.12	RSA 356-A:5
Jus 1306.13 - 1306.14	RSA 356-A:5, II
Jus 1306.15	RSA 356-A:8, III
Jus 1306.16 - 1306.17	RSA 356-A:5, V, VI
Jus 1306.18	RSA 356-A:8, I
Jus 1306.19	RSA 356-A:9
Jus 1306.20	RSA 356-A:8, V
Jus 1306.21	RSA 356-A:5
Jus 1306.22	RSA 356-A:4, I; 356-A:10, VI (a)
Jus 1307.01 - 1307.05	RSA 356-A:6
Jus 1308.01 - 1308.02	RSA 356-A:4, IV
Jus 1308.03	RSA-356-A:6, II
Jus 1308.04, 1308.05	RSA 356-A:4; 356-A:17
Jus 1309.01 - 1309.03	RSA 356-A:11; 541-A
Jus 1310.01 - 1310.1	RSA 356-A:5, I
Jus 1311.01	RSA 356-A:2; 356-A:5, I